



May 5, 2009

Comments to NOSB from Nature's Path Foods Inc.

Regarding; Natural Claims infringing on Organic markets.

Misleading, and unverified marketing claims that may imply organic production are being seen more and more in the marketplace, and many consumers are confused between natural and organic. With some of these natural brands' communication, we see claims that imply organic production to the natural sphere. We have evidence of one brand stating on their website; "Natural foods are foods without pesticides or artificial additives, as well as minimally processed and preservatives-free."

As an industry we must go to great efforts to educate the consumers about what organic production and processing means and why consumers can trust the organic label. Our comment to NOSB is to request a task force/committee be set up, with the mandate to prepare a recommendation to the USDA/NOP to protect the certified organic label in the marketplace by:

- Defining "natural" for all product categories covered by the NOP.
- Establish and pass a Natural Label Claims Act or Regulation (not just a policy with no enforcement authority), giving detailed direction to the Natural Foods industry on using the Natural label truthfully and accurately.

Background:

- The definition most commonly referred to dates back to 1982, when the USDA's regulatory agency – the Food Safety and Inspection Service (FSIS) – published a policy guidance stating that products can be labeled 'natural' if they contain no artificial or synthetic ingredients, and if they are minimally processed. However this refers only to meat and poultry. (Policy Memo 055, "Natural Claims")
- Many natural brands offer organic versions, and some appear to intentionally blur the distinction between them, in order to deceive the consumers to think all of their products are the same, i.e. organic.
- At this time use of chemical fertilizers and synthetic pesticides in agricultural production is not off limits to anyone making a "natural claim", yet some make statements that these practices are not used in "natural" products.
- In the UK, when dealing with this same issue of Organic versus Natural claims, a Dairy firm, Müller Dairy, was ordered to withdraw TV and print ads for a brand of its children's yoghurt products after the UK's Advertising Standards Authority (ASA) ruled that they made misleading 'natural' claims.
http://www.foodqualitynews.com/Publications/Food-Beverage-Nutrition/DairyReporter.com/Products/Mueller-told-to-cess-misleading-natural-ads/?c=fNqjHivm87uG2ncc05WBvw%3D%3D&utm_source=newsletter_daily&utm_medium=email&utm_campaign=Newsletter%2BDaily
- The NOP regulates, oversees, and enforces organic regulations that are put in place to give consumers protection from fraudulent claims relating to organic methods used to grow agricultural products. It would seem logical that the same agency must implement means to enforce infringement on the now protected organic claims. For instance the NOP states in it's regulatory assessment:

The Need for National Standards

Over the last several decades, as market demand has grown from a handful of consumers bargaining directly with farmers to millions of consumers acquiring goods from supermarket shelves as well as market stalls, a patchwork of State and private institutions has evolved to set standards and verify label claims. Organically produced food cannot be distinguished visually from conventional food and cannot necessarily be distinguished by taste; therefore, consumers must rely on labels and other advertising tools for product information. Farmers, food handlers, and other businesses that produce and handle organically grown food have a financial incentive to advertise that information because consumers have been willing to pay a price premium for these goods. However, consumers face difficulties in discerning the organic attributes of a product, and many producers and handlers have sought third-party certification of organic claims.

Benefits of the Final Rule

The benefits of implementing national uniform standards of production and certification include: (1) providing a common set of definitions on organic attributes and standardizing the manner in which the product information is presented, which may reduce the cost associated with enforcement actions in consumer fraud cases;

Information

Potential benefits to consumers as a result of the final rule include providing a common set of definitions on organic attributes and standardizing the manner in which the product information is presented. This standardization may reduce the cost associated with enforcement actions in consumer fraud cases. Organic products cannot be distinguished from conventionally produced products by sight inspection, and consumers rely on verification methods such as certification to ensure that organic claims are true. Self-policing by certifiers of growers and handlers that are certified has been difficult because some certifiers have been under pressure to use weak standards and lax enforcement procedures in order to keep their producer and processor clients from taking their business to other certifiers (Scowcroft 1998).

- The lack of clear guidance and a binding regulation or Act to enforce consistent labeling in the marketplace so that it does not infringe on lawful certified organic claims, has been brought up for many years by many different parties in the organic industry. Even companies marketing natural (but not organic) products have asked for clear guidance to help the consumer to select products that are what they say they are. It is time that this issue be thoroughly addressed before it threatens the success of organic products.



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"Always leave the Earth better than you found it"

- Rupert Stephens (1896-1976), a pioneering organic farmer

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